

Dr. Carter testified, "About the last of March, or the first of April last, the prisoner applied to me for medical treatment. He had syphilis. He told me he caught it from Laura Foster, the latter part of August, or the first of September, upon a ridge in one-half, or three-quarters of a mile of Lotty Foster's house in Wilkes County. I saw and examined the dead body of a female, at the spot where it was found. There was a cut through her clothing, and, taking off her clothes, in a corresponding position, on the left breast, there was a cut through into the body, between the third and fourth ribs. If the knife had gone straight in, it would have missed the heart, if the handle had been slightly elevated, the blade would have cut the heart. The body was lying on the right side, face up. The hole in which it lay was two and one-half feet deep, very narrow, not long enough for the body. The legs were drawn up. Such a wound, supposing it not to have penetrated the heart, not necessarily fatal, though of a dangerous character if it had penetrated the heart, not necessarily mortal. The body was in such a decomposed condition, I did not ascertain whether it had cut the heart or not. The clothing around the breast was in a rotten condition. A bundle of clothes was in the grave.

R. D. Hall testified, "The prisoner one day, about the middle of May last, at my house, as he was coming from preaching, said to me that he was diseased, and he was going to put them through, who diseased him. I replied, 'Tom, I would not do that.'"

J. W. Winkler testified, "There was a general search made for weeks after her disappearance, the neighbors were all out, formed a search line, like a line of battle. We searched in sight of the Dula house, never saw him engaged in the search. We searched in sight of Bates' or old shop place. I saw a rope near there, tied around a dogwood, didn't find it myself, but saw it soon after. The branches of the trees near, appeared to be nipped off. The end of the rope appeared to be chewed. It was of flax, and corresponded to the other end at Wilson Foster's. I think the rope we found was Foster's, I had seen his mare tied with such a rope before. Some two hundred yards from the dogwood tree, on the same side, that is the left hand side of the stoney fork road, I saw another